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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,462	01/31/2001	Bernhard Ifflander	01 P 7441 US	3441
31625	7590	09/23/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			CHAMPAGNE, DONALD	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/774,462

Applicant(s)

IFFLANDER ET AL.

Examiner

Donald L. Champagne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-17,19-30,32-41,43-46 and 48-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-17,19-30,32-41,43-46 and 48-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 June 2005 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-17, 19-30, 32-41, 43-46 and 48-57 are rejected under 35 U.S.C. 103(a) as obvious over Conhaim in view of the Edwards, Inc., website (hereafter *Edwardsinc.com*) and *Thomasregister.com*.
4. Conhaim teaches (independent claims 1, 27, 30, 36, 40, 43, 46, 52, 56 and 57) an on-line method and system for marketing services to a prospective or actual purchaser of industrial equipment, the method: providing information relating to an on-line marketplace for industrial equipment to the purchaser over the network (p. 1/8, middle); accepting information from the purchaser over the network and storing in a database registration (p. 3/8, third para.); accepting over the network input from the purchaser identifying services for which the purchaser wishes to receive information, and transmitting to the purchaser information relating to the at least one service (p. 2-3/8).
5. Conhaim does not teach displaying over the network an identification of relocation services relating to industrial equipment. *Edwardsinc.com* teaches displaying over the network an identification of relocation services relating to industrial equipment. Because Conhaim teaches a comprehensive on-line marketplace for the purchase of industrial products and

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services (middle of p. 1/8), and because most industrial equipment needs to be moved after purchase, said moving reading on relocation relating to the purchase of industrial equipment, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of *Edwardsinc.com* to those of Conhaim.

6. Conhaim does not teach accepting from the purchaser information relating to the nature of the equipment as to/for which service information is to be received, and transmitting said information to the at least one service provider. *Thomasregister.com* teaches an email connection for accepting from the purchaser information relating to the nature of the equipment for which service information is to be received, and transmitting said information to the at least one service provider (Item marked "A" on sheet 4/7). Because *Thomasregister.com* is the website taught by Conhaim, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of *Thomasregister.com* to those of Conhaim and *Edwardsinc.com*.
7. *Edwardsinc.com* teaches a comprehensive service, which reads on coordinating relocation services for the industrial equipment. It would be obvious to do at least parts of this service "over the network" because network functions (telephony, email, fax) are in common business use.
8. For independent claims 30 and 46, a "purchaser service request record" is interpreted as the purchase spec. that is necessarily input by the purchaser.
9. *Thomasregister.com* also teaches (independent claims 36, 43, 52, 56 and 57, and dependent claims 28 and 44) a user ID and password (Item marked "C" on sheet 6/7), which reads on assigning/transmitting a purchaser identification/registration code to the registered purchaser.
10. Conhaim also teaches claims 16-17, 32 and 48 at the citations given above; and claims 4-6 (p. 1/8 center and bottom).
11. *Thomasregister.com* also teaches (claims 15, 22-26, 29, 35, 37-39, 41, 45, 51 and 53-55) the purchaser requesting an offer (the "Order Online" Item marked "B" on sheet 5/7), the price of which reads on "information relating to the marketplace comprising data reflecting actual transactions in the marketplace".

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12. Edwardsinc.com teaches (claims 12 and 14) instrumentation services (sheet 3/3).  
Edwardsinc.com also teaches claims 5, 6, and 8, because comprehensive relocation services reads on logistics, transport management and transport network services).
13. Claims 7, 9-11 and 13 are taken to be admitted prior art. Official notice of this common knowledge or well known in the art statement was taken in the Office action mailed on 14 October 2004 (para. 14). Applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. (MPEP 2144.03.C.)
14. None of the reference teaches (claims 19-21) the input equipment properties. Because these are obvious equipment descriptors, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add these equipment descriptors to the teachings of Conhaim and *Thomasregister.com*.
15. None of the reference teaches (claims 33-34 and 49-50) determining and verifying that the purchaser has received the responsive information. Because it is good customer service, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add determining and verifying that the purchaser has received the responsive information to the teachings of Conhaim and *Thomasregister.com*.

#### **Conclusion**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at [donald.champagne@uspto.gov](mailto:donald.champagne@uspto.gov), and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.
17. The examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

19. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, [www.uspto.gov](http://www.uspto.gov). At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

**DONALD L. CHAMPAGNE**  
**PRIMARY EXAMINER**

Donald L. Champagne  
Primary Examiner  
Art Unit 3622

18 September 2005